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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/069,976	03/12/2002	Yoshiaki Koyama	020121	9675
23850	7590	11/16/2004		
ARMSTRONG, KRATZ, QUINTOS, HANSON & BROOKS, LLP 1725 K STREET, NW SUITE 1000 WASHINGTON, DC 20006				
			EXAMINER LAVILLA, MICHAEL E	
			ART UNIT 1775	PAPER NUMBER

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/069,976

Applicant(s)

KOYAMA ET AL.

Examiner

Michael La Villa

Art Unit

1775

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 20 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 6-13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 14-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 20 August 2004 has been entered.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:
3. The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 1-5 and 14-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
  - I. Regarding Claims 1 and 14, it is unclear what is meant by the phrase "extruded roughened surface defining tears producing irregularly formed projections". It is unclear what is meant by the term "defining". In what sense is there a definition? Does the claim require tearing of the surface or not? Is "tears" simply a name given to projections or does "tears" refer to projections on a surface that were formed by tearing the surface? It is unclear in what sense are the projections to be "irregularly formed". Are the projections themselves to constitute

irregular shapes, are the projections to be disposed on the surface in an irregular disposition, or is some other meaning intended?

- II. Regarding Claims 1, line 3 and Claim 14, line 4, it is unclear in what sense, if any, do projections that are "extending from said surface" differ from those that "project from said surface".
- III. Regarding Claims 15-18, it is unclear what is meant by the phrase "projection-defining tears". It is unclear whether "tears" is simply a name given to projections on a surface or whether tears are projections that were formed by tearing the surface.
- IV. Regarding Claim 17, it is unclear whether the rows are at regular intervals or whether the tears are at regular intervals.

***Claim Rejections - 35 USC § 102***

- 5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:
  - 6. A person shall be entitled to a patent unless –
  - 7. (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 8. Claims 1, 2, 5, 14, 15, and 17-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Toyo Kogyo Co. JP 49-44857 for the reasons of record in the Office Action mailed on 20 May 2004.

***Response to Amendment***

- I. In view of applicant's amendments and arguments, applicant traverses the objection to the Specification of the Office Action mailed on 20 May 2004. Objection is withdrawn.
- II. In view of applicant's amendments and arguments, applicant traverses the section 112, second paragraph rejection of the Office Action mailed on 20 May 2004. Rejections are withdrawn except to the extent that they may be presented above in light of the claim amendments.
- III. In view of applicant's amendments and arguments, applicant traverses the section 102 rejection over Hiraoka of the Office Action mailed on 20 May 2004. Rejection is withdrawn.
- IV. In view of applicant's amendments and arguments, applicant traverses the section 102 rejection over Toyo Kogyo of the Office Action mailed on 20 May 2004. Toyo Kogyo teaches forming projections by rolling and flattening, resulting in projections having the shape encompassed by that described in the claims. Since the claim is a product claim, there is no requirement that the surface of Toyo Kogyo be formed through an extrusion process.
- V. In view of applicant's amendments and arguments, applicant traverses the section 102 rejection over Kaku of the Office Action mailed on 20 May 2004. Rejection is withdrawn.

- VI. In view of applicant's amendments and arguments, applicant traverses the section 102 rejection over Olsson of the Office Action mailed on 20 May 2004. Rejection is withdrawn.
- VII. In view of applicant's amendments and arguments, applicant traverses the section 102 rejection over Soell of the Office Action mailed on 20 May 2004. Rejection is withdrawn.

***Conclusion***

- 9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael La Villa whose telephone number is (571) 272-1539. The examiner can normally be reached on Tuesday, Thursday, and alternating Fridays.
- 10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Deborah Jones can be reached on (571) 272-1535. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael La Villa  
15 November 2004

A handwritten signature in black ink, appearing to read "La Villa", written in a cursive style.